IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 418 2001

PETITIONERS :

1. S.A.Ali
s/o Sayyad Ahmad,
r/o Talapara, Amar Gas Godam

2. D.K.Sharma
s/o L/Shri Ramadhar
r/o Baniyapara, Juna Bilaspur
District-Bilaspur(C.G)

3. J.K.Dubey
s/o M.L.Dubey,
Kududand, Jain Tailors (oppo)
District-Bilaspur(C.G)

4. A.K.Sharma
s/o L/T.P.Sharma
r/o Kilaward, near Liberary
District-Bilaspur(C.G)

5. K.N.Mishra
s/o L/Jagannath
r/o Chatidih, near Masjid
Dist-Bilaspur(C.G)

6. A.K.Shukla
s/o S.P.Shukla
r/o Chatidih, Ramayan Chowk
Distt-Bilaspur(C.G)

7. A.K.Verma
s/o P.D.Verma
r/o Vinobha Nagar, Lane No.3
Gayatri Mandir, Bilaspur(C.G)

8. D.S.Rajput
s/o G.S.Rajput
r/o Mangla, Maharshi School
Road, Distt_Bilaspur(C.G)

9. S.N.Dewangan
s/o L/Banjulal
r/o- c/o D.K.Sharma, Kilaward
Juna Bilaspur, Dist-Bilaspur

10. R.S.Sahu
s/o L/B.R.Sahu
r/o Yadunandan Nagar, Tifra
Qr.No.E-15, Bilaspur(C.G)

11. B.K.Dubey
s/o U.R.Dubey
r/o Kududand, near B.B.L.S.
School, Distt-Bilaspur(C.G)

12. Ku.Meena Rajak
d/o Shivcharan Rajak
r/o Gandhi Chowk, near Laxmi-
Talkies, Distt-Bilaspur(C.G)

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13. A.K.Soni
s/o L/R.K.Soni
r/o Jabdapara, c/o R.P.Upadhyay
Distt-Bilaspur(C.G)

14. B.S.Soni
s/o R.L.Soni
r/o Chatapara, near residence
of Badri Singh, Distt-Bilaspur

15. Mohan Lal Sahu
s/o L/B.R.Sahu
r/o Kumharpara, Talapara,
Distt-Bilaspur(C.G)

16. Doman Lal Sahu
s/o Ganesh Ram Sahu
r/o Nutan Colony, H-2/21
New Sarkanda, Bilaspur(C.G)

Attested
31.8.03

17. Rajendra Kumar Dewangan
s/o Nanhe Dewangan
r/o Sendri Village,
Distt-Bilaspur(C.G)

Amendment as per Petition No 16 is pending in view of order dated 11/8/03 Hon'ble Court

18. Heeralal Yadav
s/o L/Rama Yadav
r/o Masanganj, near Lady Police-
Station, Distt-Bilaspur(C.G)

19. Videshiram Sahu
s/o L/Dungaram Sahu
r/o Chingrajpara, Ganesh Chowk
Distt-Bilaspur(C.G)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
through Secretary, Department
of Cooperative,
Mantralay Raipur (C.G)

2. Registrar, Cooperative Society
Chhattisgarh, Raipur (C.G)

3. Liquidator in the matter of
Liquidation of Nagrik Cooperative
Commercial Bank Limited,
Gole Bazar Bilaspur being-
Assistant Registrar, Cooperative-
Society, Bilaspur(C.G)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS

XI-HC-78

252

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 419 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

27.10.2006

Shri Manindra Shrivastava, learned Sr. Advocate with Shri Ashish Shrivastava, learned counsel for the petitioners.
Shri Sudhir Bajpai, learned P.L. for State/respondents No. 1 & 2.
Shri Sunil Kumar Kujur, Registrar, Cooperative Society, Govt. of Chhattisgarh, Raipur (C.G.) is present in the Court.

Heard.

The petitioners who were regular employees of Nagrik Co-operative Commercial Bank Ltd., Gol Bazar, Bilaspur which is now under liquidation as per the order of Reserve Bank of India, have filed the instant petition for quashing and setting aside their orders of termination dated 1.1.2001 of Annexure P/1 and have prayed for direction to the respondents No. 1 & 2 to absorb them in the Co-operative Department or with Co-operative Banks/Co-operative Institutions against the vacancies available in the institutions.

This Court vide order dated 24th September 2001 had directed the competent authority to explore the possibility to rehabilitate these petitioners after examining their detailed representations to be submitted by them to the Registrar, Co-operative Society and pass necessary orders. The Registrar, Co-operative Society (respondent No. 2 herein) vide his affidavit dated 31st July 2002 detailed the various steps taken by him in compliance of the order dated 24th September 2001 and submitted

P.T.O.

XI-HC-78

253

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP/418..... **सन् 200** /

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

that almost all the institutions have shown their inability or inconvenience to absorb/adjust the petitioners, annexing the replies given on various dates.

The petitioners vide their applications dated 11.12.2002/17.1.2003 (I.A.No. 341/2003) prayed for issuance of appropriate directions regarding absorption of the petitioners against the vacancies in varicus co-operative institutions indicated in the above report submitted by Registrar, Co-operative Society.

On 1.8.2006 the submission of the petitioners that they are ready to forego their seniority, they may be absorbed on any post even on the lower post and that they would not claim the place on the basis of their pay scale, was taken on record and they were directed to file affidavits to that effect within a week and a copy of the same was directed to be supplied to learned counsel for the State/respondents No. 1 & 2 and the respondent authorities were directed to consider their affidavits sympathetically and file appropriate response. On that date I.A.No. 341/2003, application for issuance of suitable direction preferred by the petitioners was dismissed as not pressed.

P.T.O.

XI-HC-78

254

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(L.R.)..... **सन् 200 /**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The petitioners filed affidavits in compliance of the above order. The matter was again taken up on 1.9.2006 and on that date on the prayer of counsel for the State four weeks' time was granted to facilitate the State Government to frame schem/take policy decision in compliance of the order dated 1.8.2006 passed by this Court.

The respondents have filed I.A.No. 10063/06, application for taking affidavit on record supported by an affidavit along with copy of the order dated 9.10.2006 passed by respondent No. 2.

The above application is allowed and affidavit of the Deputy Registrar, Co-operative Society is taken on record.

Learned counsel for the petitioners submits that though the respondents in compliance of the order dated 1.8.2006 issued an order dated 9.10.2006 whereby in exercise of power under Section 55 (1) of Chhattisgarh Co-operatives Society Act, 1960, amended the rules regarding service conditions of the employees of Nagrik Sahkari Bank Karmchari Sewa (Niyozan, Nibandhan Tatha Unki Karya Isthithi) and incorporated a new rule 21(9)(b) for rehabilitation of the retrenched employees and thereby made a provision that the employees whose age is less than 50 years shall be eligible against the advertisement for

P.T.O.

XI-HC-78

255

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP...918..... **सन् 200 /**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

recruitment issued by the Co-operative Banks and if they fulfill the eligibility criteria of the advertised posts, they shall be given priority in the matter of appointment but they have not explained as to why they were not rehabilitated as per their earlier reply particularly in view of the memorandum of Annexure R/2-11 dated 19.1.2001 wherein Vyavasaik Sahkari Bank Limited, Raipur had communicated respondent No. 2 that they are initiating appointment proceedings of all the 19 ex-employees in view of the directions of this Court.

On the other hand, learned counsel for the respondents No. 1 & 2 submits that after hearing the parties this Court directed the respondents to file their response after considering the affidavits to be submitted by the petitioner sympathetically and in compliance of the same the policy decision was taken by the Government and accordingly the rules governing the service conditions of the petitioners/ex-employees of Nagrik Sahkari Bank has been amended with a purpose to rehabilitate the petitioners. It is further submitted that all the eligible petitioners as per amended rules shall be given priority for a period of one year from the date of issuance of notification amending the rules against the future vacancies advertised by the co-operative banks as per rules and thus, the direction issued by this Court stands complied with.

P.T.O.

256

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक wp : 918 **सन् 200** /

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	I have heard learned counsel for the parties. This Court with a view to rehabilitate the petitioners who lost their jobs due to liquidation of their banks had directed the respondents to explore all the possibilities to rehabilitate the petitioners in various other Co-Operative Banks/Institutions and in compliance of the above directions the respondents have made all the endeavours to explore the possibility of their rehabilitation and ultimately they have come up with a definite scheme whereby the eligible petitioners have been given priority against the advertised vacancies by the Co-operative Banks as per directions of this Court. The direction dated 1.8.2006 was passed by this Court with the consent of the parties and in view of the notification dated 9.10.2006 issued by respondent No. 2, the instant petition may be disposed of and is accordingly, disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	

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31/10/06 SL 2.11.06